



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2011 Biennium

Bill #	HB0525	Title:	Revise penalty for eluding peace officer
Primary Sponsor:	Driscoll, Robyn	Status:	As Introduced

- | | | |
|---|---|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input checked="" type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
Expenditures:				
General Fund	\$308,979	\$1,054,002	\$1,501,331	\$1,645,997
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$308,979)</u>	<u>(\$1,054,002)</u>	<u>(\$1,501,331)</u>	<u>(\$1,645,997)</u>

Description of fiscal impact:

This bill would turn the crime of eluding a police officer from a misdemeanor into a felony offense in all instances. Currently this conviction carries a penalty of no more than one year in a county jail. If passed the new felony conviction would be punishable by imprisonment of not less than 1 year or more than 20 years. This bill will have a negative impact on the state general fund.

FISCAL ANALYSIS

Assumptions:

Department of Corrections

1. Since 1990, two people have been convicted of felony fleeing or eluding a peace officer. The average time served in prison for these offenders was 18 months.
2. An average of 109 drivers licenses per year have been revoked due to misdemeanor fleeing or eluding a peace officer per Department of Justice statistics.
3. Recent statistics shows 20% of all offenders enter the secure custody setting while 80% receive community placements. Assuming all 109 offenders were successfully prosecuted under the revised statute, approximately 22 per year would receive an average of 18 months in secure custody with 3 years

probation following completion of sentencing. The other 87 would receive the average 3 year probationary sentence.

4. This means that in FY 2010 66 offenders will enter probation for a 3 year sentence. Sixteen offenders will enter the secure care system. In FY 2011, 87 new offenders will enter probation as well as 8 offenders that will complete their sentence received in the previous fiscal year for a cumulative total of 161. Also 22 new offenders will enter the secure care system leaving a cumulative total at fiscal year end of 30 offenders. In FY 2012, another 87 offenders will enter probation as well as the remaining 8 from secure care in FY 2010 and another 11 from FY 2011 for a cumulative total of 267 offenders in probation. There will be another 22 new offenders entering the secure care system, with 19 leaving to enter probation leaving the cumulative total of 33 offenders. In FY 2013, another 87 offenders will enter the probation system as well as another 22 entering from secure care. At this time the first 66 offenders entering probation will complete their sentencing and leave the system for a cumulative total at fiscal year end of 310 offenders. There will be another 22 new offenders entering secure care and 22 leaving secure care to enter probation leaving the cumulative total at fiscal year end of 33 offenders.
5. Offenders will enter the system progressively throughout the years and not all at the very beginning of each year. This means that not each offender will be accounted for the full 365 per fiscal year. Cost for probation in FY 2010 is \$46,809. This is for the 66 offenders entering probation at \$4.63 per day for a total of 10,110 days. Cost for secure care in FY 2010 is \$228,270. This is for the 16 new offenders at \$91.97 per day for a total of 2482 days. Cost for probation in FY 2011 is \$198,534. This is for the 161 offenders on probation during this fiscal year at \$4.63 per day for a total of 42,880 days. Cost for secure care in FY 2011 is \$821,568. This is for the 30 offenders in secure care during this fiscal year at \$91.97 per day for a total of 8933 total days. Cost for probation in FY 2012 is \$368,205. This is for the 267 offenders on probation during this fiscal year at \$4.63 per day for a total of 79,526 days. Cost for secure care in FY 2012 is \$1,099,225. This is for the 33 offenders in secure care during this fiscal year at \$91.97 per day for a total of 11,952 days. Cost for probation in FY 2013 is \$504,318. This is for the 310 offenders on probation during this fiscal year at \$4.63 per day for a total of 108,924 days. The cost for secure care in FY 2013 is \$1,107,779. This is for the 33 offenders in secure care during this fiscal year at \$91.97 per day for a total of 12,045 days.

Office of the State Public Defender

6. This bill would change the statute for eluding a police officer from a misdemeanor to a felony. On average, misdemeanors carrying this statute would require about three hours of attorney work. Once the case becomes a felony, the agency expects the cases to require about eight hours of work. The agency represented 113 cases involving these statutes in FY 2008 which would have previously been prosecuted as misdemeanors but would be prosecuted as felonies under the proposed change. After evaluating a five hour change on each case, and using the matrix of \$60 per hour, per case, it is estimated this bill would cost the OPD about \$33,900 per year.

	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>
<u>Fiscal Impact:</u>				
Department of Corrections and Office of the Public Defender				
<u>Expenditures:</u>				
Operating Expenses - DoC	\$275,079	\$1,020,102	\$1,467,431	\$1,612,097
Operating Expenses - OPD	<u>\$33,900</u>	<u>\$33,900</u>	<u>\$33,900</u>	<u>\$33,900</u>
TOTAL Expenditures	<u><u>\$308,979</u></u>	<u><u>\$1,054,002</u></u>	<u><u>\$1,501,331</u></u>	<u><u>\$1,645,997</u></u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$308,979	\$1,054,002	\$1,501,331	\$1,645,997
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$308,979)	(\$1,054,002)	(\$1,501,331)	(\$1,645,997)

*Sponsor's Initials*_____
*Date*_____
*Budget Director's Initials*_____
Date